IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7330 of 2005
Date of decision: 27.9.2007

Avtar Singh ...Petitioner

Versus

State of Punjab and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE S. N. AGGARWAL

Present: Mr. Sanjay Gupta, Advocate,
for the petitioner.
Mr. NS Virk, Additional Advocate General,
Punjab.
Mr. GS Nagra, Advocate.

K.S.GAREWAL, J.

When Mehar Singh Lambardar of Patti Dhoom Singh, Banga Tehsil and District Nawanshahr died on August 21, 1999, proceedings commenced for filing up the office of Lambardar.

There were four candidates in the running. Avtar Singh-petitioner (son of deceased Lambardar), Harjagdish Singh Mann-respondent 6, Tara Singh and Nirmal Singh. The Collector appointed Harjagdish Singh Mann and ignored Avtar Singh-petitioner. Avtar Singh petitioner filed an appeal which was dismissed on January 29, 2003. Avtar Singh's revision petition was also dismissed on August 25, 2003.

According to the petitioner, Harjagdish Singh Mann is not a resident of the village, is 72 years old and secured the office only due to his political influence. Harjagdish Singh Mann had allegedly sold shamlat land. On the other hand, the petitioner had been Sarbaha Lambardar on behalf of his father, was 42 years of age and had very cordial relations in the village. The petitioner was educated upto class VII, knew Punjabi and owns 48 kanals of land.

The Collector had considered the merits of all the candidates and selected Harjagdish Singh Mann since he had remained President of the Municipal Council, Banga, owned 10 acres of land and was a social worker. The other factors which were found in favour of Harjagdish Singh Mann were that he was the most educated candidate, possessing good capacity to handle work of the people of the area and had given 4 kanals of land for an old age home, the price of which was nearly 50 lacs. The Collector felt that such person would be above any greed and would be able to serve the people better.

The Commissioner found no ground to disagree with the reasoning recorded by the Collector and further added that Harjagdish Singh Mann was better placed on account of educational qualification and social status. He possesses much more land than Avtar Singh, he was physically fit at the age of 72. He found no ground to disagree with the decision of the Collector. Likewise, the Financial Commissioner also upheld the decisions of the Collector and the Commissioner.

We have heard the learned counsel for the parties and have gone through the orders of the revenue courts. Appointment of a Lambardar is entirely a question of selection of the best candidate for office and the

judgment of the revenue officers in this regard must be treated as final because they know the local condition and circumstances and can make the best judge.

We find no ground to disagree with the decision taken by the Collector. Dismissed.

(K.S. GAREWAL)
JUDGE

27.9.2007 **(S.N. AGGARWAL)**
prem **JUDGE**